THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.11959 OF 2000

DATE: 08th September 2006

Between:
Sri Raghavendra Oil Mill, Tadipatri,
Anantapur district, rep. by its
Managing Partner A.Venkata Naidu.

... Petitioners.

And

Assessing Authority and Secretary
Agriculture Market Committee,
Tadpatri, Anantapur district.

... Respondents.

* * *

ORDER:

Generally speaking, as per Section 12(1) read with Rule 74 of the A.P. (Agricultural Produce and Livestock) Markets Act (for short 'the Act'), the petitioner is entitled to claim set of/adjustment against the market fees paid in other market committees. But it seems the petitioner has produced false export permits for the imports of the notified commodities from other market committees. Therefore, the exemption claimed by the petitioner on permits is not considered except against two permits, which were found to be genuine. Therefore, the petitioner was asked to pay market fees of Rs.1,61,320/-due under the impugned proceedings within a period of 15 days from the date of receipt of the order, otherwise 12% interest will be levied per annum from

the date of due. It was also further made clear in the impugned order that if the petitioner is aggrieved by the impugned order, he may prefer an appeal to the Joint Director of Marketing, Cuddapah within 30 days from the date of receipt of the order under Section 12(1) of the Act.

2. The only complaint of the petitioner is that respondents have not given any opportunity to the petitioner to explain as to whether how the other receipts produced by him are genuine one. The basis and reasons on which the said findings have been arrived at is not known or being spelt out in the impugned order.

3. A bare reading of the impugned order, of course, does not reveal what exactly the material placed before it and how the receipts/permits produced by the petitioner evidencing payment of market fees in other market committees is either false or fabricated one. Neither any enquiry is conducted nor any notice is issued to the petitioner.

4. Under those circumstances, the impugned order is liable to be set aside and accordingly set aside. However, it will not preclude the authorities from proceeding as per law and passing appropriate orders thereafter.

5. The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J.

Date: 08th September 2006.
BSB